

Approved Minutes during the March 08, 2016 PCOC Meeting

POLICE CONDUCT OVERSIGHT COMMISSION

Minutes

Regular Meeting February 9, 2016

Starting at 6:00 p.m.

350 Fifth Street, Room 241, Minneapolis, MN 55407

Commission Members Present: Andrea Brown (Chair), Adriana Cerrillo, Amran Farah, Afsheen Foroozan, Jennifer Singleton (Vice Chair), and Laura Westphal.

Commission Members Absent: Andrew Buss.

Staff Present: Imani Jaafar - OPCR Director, Ryan Patrick - Police Conduct Operations Supervisor, and Leda Schuster - Commission Clerk.

Chair Brown called the meeting to order at 6:03 p.m. A quorum of the Commission was present.

Cerrillo moved to adopt the meeting agenda.

Seconded.

No discussion. All-in-favor. None opposed.

The Motion Carried.

Westphal moved to approve the meeting minutes from January 12, 2016.

Seconded.

No discussion. All-in-favor. None opposed.

The Motion Carried.

Public Comment:

The following is a list of speakers and an abstract of their individual comments:

Dave Bicking:

- Website indicates that email will not be distributed to you prior to the meeting; uncertain if this is the best way to get materials to PCOC.
- Informed of letter recently sent via email regarding acknowledgement of participation on the Chief's performance review.
- Indicated a willingness to assist with the Chief's review process and provide materials if necessary.
- It was indicated at last meeting that the body camera policy was sent to the City Attorney's office for review; the process seems slow and by the next meeting the cameras could be in use. He hopes the PCOC can get the text and suggested that some effort go into obtaining the most current version of the policy, which hopefully includes the PCOC recommendations.

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Alan Morrison:

- Minneapolis resident. He has submitted several complaints; feels the process is secretive and designed to frustrate meanwhile providing no information regarding the process.
- Submitted a complaint less than three months after an incident; was able to get the police report and attempted to submit it after the incident.
- Was informed that everything was too old to process, however everything was addressed in the initial complaint.
- Suggested that complaint process should be more transparent.
- Citizens who make a complaint should know up front what the process is and eventually what the result of the investigation is.

Michelle Gross:

- Would like to see PCOC participation in the Chief's review process.
- Believes that the PCOC is dedicated to tasks but are not allowed to do so, the City has set up the Commission so that it is inherently unsuccessful/
- Have done some positive things in holding public hearings on body cameras, it was well advertised after the first meeting, the Commission did a lot of work on the policy, also appreciates the review of a selection of complaints each month.
- Negative side regarding B, C, and D-Level violations - the Commission does not do much with those things.
- The PCOC has failed to provide a meaningful performance review on the Chief's performance.
- She believes that because there was no sharing of information about the performance review there is anything for anyone to look at and that no one knows where the PCOC stands on it.
- The PCOC fails to oversee the OPCR; the Civil Rights Director is not in a position to oversee the office.
- Encouraged Mr. Morrison to file his complaint and was told after no more than a month that his incident was being thrown out because it was over 270 days old; it wasn't and this is an unacceptable answer.

Chuck Turchick:

- Has been sending emails to the PCOC, but has omitted Commissioner Foroozan because he does not have an email address set up yet.
- Miller v Alabama, which is an amicus brief, ruled unconstitutional, brought up the idea that anti-social youth prowls in wolf packs. This led to oppressive legislation for juveniles; when referencing people as animals this can become dangerous.
- Inconsistencies with B and D level violations.
- He added that comments that Chair Brown made in October regarding Chief's review is not in the meeting minutes.

With no further public comment, Chair Brown moved to the next item on the agenda.

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New Business

Committee Appointments

Chair Brown addressed the Commission. There are currently two committees operating, the Policy and Procedure and Outreach. Given that the rules allow periodic change with regard to who is on what committee so that the same individuals are not continuously making decisions. Because it is a new year and there is presently a full Commission, the appointees for the Policy and Procedure Committee are Farah, Foroozan, and Singleton. Additionally, the appointees for the Outreach Committee are Westphal, Cerrillo, and Foroozan.

The following motion was made by Commissioner Singleton:

Moved to *explore* establishing an Audit Committee whose purpose would be to work on Research and Studies which function in more of an audit capacity. The advantage of working on such studies through such a committee is that they could become certified audits, utilizing the OPCR's Law Enforcement Analyst Ryan Patrick's official certification as a law enforcement auditor.

Seconded.

The Chair then opened the floor for discussion; the following is a list of speakers and an abstract of their individual comments:

Brown - questioned whether or not this proposed new committee will take away function from the Policy and Procedure Committee, but instead will add to it.

Singleton - indicated that the Policy and Procedure Committee will focus on the MPD P&P manual. Over the next month the Commissioners will flesh out what the functions and duties of the proposed Audit Committee would entail.

Farah - asked what brought forth the need for a new committee.

Brown - indicated that an audit committee could alleviate some of the duties of the Policy and Procedure committee and allow them to focus on policy. She then asked if there are any Commissioners interested in developing framework and description of new committee and report back to the Commission for final determination.

With no further discussion on the matter, Chair Brown called for a voice vote.

All-in-favor. None opposed.

The motion carried.

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Chief's Performance Review

Chair Brown addressed the Commission; the following are the main points from her presentation:

- Chair Brown spoke about the contribution individual members of the Commission had made in reference to a performance review of the Chief of Police but acknowledged a need for a more formal process for conducting such a review in the future.
- Made the decision that three sitting Commissioners, Chair Brown, Commissioner Buss, and Commissioner Singleton, who had been on the Commission the entire time it has been in operation, meet with Mayor Hodges.

With the conclusion of the presentation from Chair Brown, she acknowledged Commissioner Singleton to address the Commission. The following are the main points from her presentation:

- The three Commissioners, Chair Brown, Commissioner Buss, and Commissioner Singleton, each provided their individual feedback to the mayor on their views on the Chief's performance during their term at the PCOC.
- There was not an official stance of the PCOC since this wasn't a review on the part of the entire Commission.
- Chief Harteau is in a tough position given the tumultuous time; there are reforms to be had and she has made positive steps toward them.
- The PCOC recommended more communication with the Commission.
- Suggested that there could be some more formal discussion with the community to allow their participation.

With the conclusion of the update from Chair Brown and Commissioner Singleton, the Chair opened the floor for discussion. The following is a list of speakers during the discussion and an abstract of the main points presented:

Foroozan – asked how the meeting was initiated, if there was anyone else present outside of the three commissioners in attendance, if there was any feedback from the Mayor on how the opinions would be presented to the Chief, and if the other Commissioners were aware that there was a possible option to provide input.

Brown - indicated that Director Browne had coordinated the meeting with the Mayor, the Mayor and her aide were present at the meeting, she indicated that there was little discussion on how the feedback would be relayed to the Chief, and she also indicated that she did not ask any of the other Commissioners for input because they have had little to no interaction with the Chief up to that point.

Foroozan - stated that perhaps the Policy and Procedure Committee would be more adept at developing a framework for a more formal review including not only what is reported to the

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Mayor, but also including public comment and issues the PCOC has identified to provide a more substantive review. Suggested that this issue be addressed by the audit committee by putting together a mechanism and timeline for audit and review. Suggested that the Commissioners bring their ideas or take public comment on the issue, send the information to a committee; it would be nice to have internal timelines for the process or a rubric on how the review process will move forward.

Cerrillo - indicated it would be helpful to set some expectations for the PCOC in an effort to be transparent to the community.

Farah – suggested that from her understanding of the committees, the Policy and Procedure committee may be more adept to develop framework indicating that the process should be more formal and substantive on the Chief's role and where improvement may be necessary, in addition to incorporating public comments and MPD issues that the Commission identifies.

With no further discussion on the matter, Chair Brown addressed the Commission and the following motion was made:

To develop a framework to create rules for a procedure for performance review in general.

Seconded.

Chair Brown opened the floor for discussion. The following is a list of speakers and an abstract of their individual comments:

Brown – asked if this project should go to the Policy and Procedure Committee because there are only two committees at the present time.

Then the following amendment to the motion was made:

To have the Policy and Procedure Committee to develop framework to create rules for a procedure for performance review in general.

Chair Brown opened the floor for discussion. The following is a list of speakers and an abstract of their individual comments:

Farah – asked if the goal is to develop framework and have it presented to the Commission by May.

Foroozan – indicated that it would be helpful to have a session so the public can hear the Commission's ideas and vice versa, then bring back a finalized version in May or June.

With no further discussion on the matter, Chair Brown called for a voice vote on the amended motion.

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All-in-favor. None opposed.

The motion carried.

With no further discussion on the matter, the Chair moved to the next item on the agenda.

Mental Health and Response Methodology

Ryan Patrick from the Office of Police Conduct Review addressed the Commission. The following were the main points from his presentation:

- The study is moving forward and there has been a groundswell of support from the community and partners in the city and county.

With the conclusion of Mr. Patrick's presentation, Office of Police Conduct Review Law Clerk, Kaela McConnon addressed the Commission. The following were the main points from her presentation:

- There are three specific sources for information, what is already going on in the MPD, other agencies, and best practices in literature.
- MPD CIT training has been taking place for a number of years.
- Reviewing data on outcomes of training and relationships the MPD has had with other agencies.
- Other departments have had a lot of successes; Duluth uses a co-responder model, Houston uses a CIT model with homeless outreach teams, Los Angeles uses co-responder system, Austin Texas has an interesting CIT policy, and Seattle also uses CIT incorporating mental health professionals.
- Best practice sources include body camera report, PERF presentations, the National Alliance, and the VERA institute of justice.

With the conclusion of Mr. Patrick and Ms. McConnon's presentation, the Chair opened the floor for discussion. The following is a list of speakers and an abstract of their individual comments:

Brown – indicated that Commissioner Westphal should be recognized for her diligent work on this project.

With no further discussion on the matter, Chair Brown moved to the next item on the agenda.

National Initiative Training

Chair Brown addressed the Commission. She indicated that she addressed the City Council when the National Initiative team was present with the goal of gaining support for PCOC involvement in the process. The Commission has garnered support of the City Council to put pressure on the National Initiative to include the Commission. Since that time the National Initiative has reached out to all of the Commissioners; they have begun training and will continue to work with them as

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the project moves forward.

With no further discussion on the matter, the Chair moved to the next item on the agenda.

Committee Reports

Policy and Procedure Committee

Commissioner Singleton addressed the Commission in Commissioner Buss' absence. The following are the main points from her report:

- In the January meeting the Committee discussed the methodology on the mental health study.
- The Committee was informed by Mr. Patrick that they are looking into what the MPD is currently doing about calls that have some sort of a mental health component, best practices research, and what other agencies are doing.
- Also discussed a new project that will be coming; reviewing the policy and procedure and how that corresponds with the discipline matrix project; there currently are discrepancies that don't translate and are less than clear.
- This project will be taken on in the upcoming months; the goal is to make sure that the MPD Policy and Procedure manual is clear and translates to the matrix.

With no further discussion, Chair Brown moved to the next item on the agenda.

Outreach Committee

Commissioner Westphal, the Committee Chair, addressed the Commission. The following are the main points from her presentation.

- Are currently in the process of finding new days and times to set the monthly meeting.
- Have been working on National Initiative and the mental health co-responder.
- Also reviewing what types of projects are available to work on over the summer months.
- The Star and Tribune is looking for someone to write an article on what we do.
- Have reached out to a number of community organizations to forge partnerships.
- Met with the City Attorney to talk about a pilot program involving a drop-off center they are working on and discussed the co-responder model.
- Will be attending specialty courts and meeting with a judge who handles those proceedings.
- Asked the Civil Rights Commission to join the PCOC on projects.
- Also talked with several departments involved in special training with vulnerable populations and will begin coordinating with them.

With no further discussion on the matter, Chair Brown moved to the next item on the agenda.

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Unfinished Business

Discussion of January 2016 Selected Case Summary Data

*The Commissioners proceeded to engage in a discussion about case number **nine** summary data.*

The following is a list of the speakers during the discussion and an abstract of the points presented:

Westphal – this gives an idea how disruptive petty crimes can be to an individual's life; it may have been appropriate if it had been assigned to a diversion court and asked how someone contact an individual who is homeless.

Patrick – indicated that mail can be sent general delivery, which can be challenging, but can use a phone number if there is one available.

Brown – indicated that that this is a violation of an Order for Protection, which can be from a misdemeanor to a felony depending on the issues present. Suggested that the Commissioners get a refresher course on criminal law since most complaints arise from criminal misconduct.

Farah – noticed that the VisiNet report said that there was no report, but CAPRS and MNCIS did not, asked if there is a reason for the discrepancy.

Gabriel Ramirez (OPCR Intake Investigator) - indicated that there is not a discrepancy, but the complainant was not arrested on the initial incident, but on the following one there was an arrest, the CAPRS report follows the Visinet report, which creates the confusion.

*The Commissioners proceeded to engage in a discussion about case number **eight** summary data.*

The following is a list of the speakers during the discussion and an abstract of the points presented:

Westphal – this is another case of showing bad language and disrespect on the part of police officers; the person making the complaint was a victim and was poorly treated by the MPD. There is a mission statement on the cars about serving with compassion; there is a problem with foul language and attitude.

*The Commissioners proceeded to engage in a discussion about case number **six** summary data.*

The following is a list of the speakers during the discussion and an abstract of the points presented:

Singleton – within the complaint there is an allegation that the badge number was not visible, when the officer was asked why the officer was not cooperative.

Westphal – asked what “cleared by exception” means.

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Patrick – indicated that the term typically refers to retirement or death.

Singleton – stated that Deputy Chief Granger also mentioned “cleared by policy exception.”

Patrick – stated that there currently is a policy failure close code, but that has not occurred yet, however there have been a lot of retirements lately and this may come up now and again.

With no further discussion on the matter, Chair Brown moved to the next item on the agenda.

New Case Selection

Brown – 5, 7, 9

Foroozan – 8, 10, 3

Buss – Absent

Singleton – 4, 8, 9

Cerillo – 1, 3, 8

Westphal – 4, 8, 9

Farah – 1, 8, 9

Chair Brown indicated the new case selections for discussion at the February 2016 meeting are **case numbers 1, 8, and 9** as the top picks, which were then selected by **unanimous consent of the Commissioners**.

With no further discussion on the matter, Chair Brown moved to the next item on the agenda.

ADJOURNMENT

With all of the Commission's business being concluded, the Chair entertained a motion:

Westphal moved to adjourn.

Seconded.

All-in-favor. None opposed.

The motion carried.

Chair Brown adjourned the meeting at 7:12 p.m.